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10/537,004

11/15/2005

Michael Schauble

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EXAMINER

GRAHAM, GARY K

ART UNIT

PAPER NUMBER

3727

MAIL DATE

DELIVERY MODE

04/27/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|--|--|
| Office Action Summary | Application No. 10/537,004 | Applicant(s) SCHAUBLE ET AL. | |
| | Examiner Gary K. Graham | Art Unit 3727 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 May 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>20050526</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the back as narrower in the transverse direction than the length of the hinge pin must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informalities: Section headings such as ---Background of the Invention---, ---Summary of the Invention---, etc, should be provided for the various sections.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2-4, 7, 8, 12, 13, 17, 18 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 2, line 2, there is no antecedent basis for “the transverse direction”.

In claim 7, line 2, there is no antecedent basis for “the assembled state”. Further, setting forth that the wiper blade is arranged next to the wiper arm appears confusing since the blade is not part of the claimed arm. Such leads to confusion as to whether only the arm or a combination or arm/blade is being claimed.

In claim 8, lines 1 and 2 currently read as “Wiper arm claim 5, ...”. Such appears improper as it is not clear.

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In claim 12, setting forth that the back wall substantially covers an entire width of the wiper blade appears improper since the blade is not part of the claimed arm. Is only the arm being claimed or a combination of arm and blade being claimed?

In claim 13, setting forth that the wiper blade becoming situated between walls of the arm when mounted appears improper. The blade does not appear as part of the claimed wiper arm.

In claim 17, line 1, there is no antecedent basis for “said projection”. In line 2, there is no antecedent basis for “said third side wall”.

In claim 18, setting forth that the blade is arranged next to the wiper arm when mounted appears improper since the blade is not part of the claimed arm. Such leads to confusion as to exactly what is being claimed.

In claim 20, setting forth that the wiper blade is coupled to the coupling section appears improper. The claim is directed to the wiper arm. It thus becomes confusing as to whether only the arm is being claimed or a combination of arm and blade is being claimed.

If applicant’s intent is to claim the arm and blade combination in the above claims, then the preamble of the claims should make such clear. An assembly or the like should be set forth in the preamble which includes both the arm and blade.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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Claims 1-5, 7, 9, 10, 13, 14, 17, 18 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Whitted (US patent 2,046,495).

The patent to Whitted discloses the invention as is claimed. Whitted discloses a wiper arm (16, 24) having a coupling section at one end for attaching to a flat wiper blade (10). The arm is U-shaped in cross section at least at part (16) to define side walls (18,19) joined by a back. The coupling section comprises a stand alone wall section of one side wall (see figs.3,4) protruding beyond the back and other side wall in a longitudinal direction. A hinge pin (14) is attached to this stand alone section and projects laterally therefrom. The pin extends a greater length than the back.

With respect to claims 2-4, setting forth that the back is "designed to be wider in the transverse direction than the length of the hinge pin" does not act to distinguish from Whitted. Use of the term "designed" does not appear to positively set forth that the back is wider.

With respect to claim 17, note the projection defined by bend (23) at the end of arm (24). Such projection is parallel to a wall of part (16).

Claims 10-20 are rejected under 35 U.S.C. 102(b) as being anticipated by De Block (US patent 6,553,607).

The patent to De Block discloses the invention as is claimed, including a wiper arm (12) comprising a coupling section for connecting to a connecting unit (30) of a flat wiper blade (14). The arm is U-shaped, at least in part, with a back (58) joining spaced side walls (54). The coupling section includes a pair of spaced wall sections from which projects a hinge pin (56). De Block discloses that the pin can be riveted to the wall sections. An L-shaped projection (60) is adjoined to the back and forms a stop (63) that is parallel to the wall sections (54).

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With respect to claim 10, it is noted that applicant has set forth a coupling “section” and a wall “section” integrally formed therewith and extending therefrom. These “section” can be selected wherever so desired in De Block to meet the claim. In other words, it appears that sections can be selected in De Block to meet the claims.

With respect to claim 11, note back wall (61) that is wider than the length of the pin (56).

With respect to claim 12, note second back wall (58). As the claim is only directed to a wiper arm, the “substantially covers” language does not appear to define over De Block.

With respect to claim 13, as the claim is only directed to a wiper arm, the situation of the blade does not appear to distinguish from De Block.

With respect to claim 14, note back wall (58) which is narrower than the length of the pin.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over De Block (US patent 6,553,607) in view of Whitted (US patent 2,046,495).

The patent to De Block discloses the invention substantially as is claimed, including a wiper arm (12) comprising a coupling section for connecting a flat wiper blade (14). The arm is U-shaped, at least in part, with a back (58) joining spaced side walls (54). The coupling section includes a pair of spaced wall sections from which projects a hinge pin (56). De Block discloses that the pin can be riveted to the wall sections. A L-shaped projection (60) is adjoined to the back and forms a stop (63) that is parallel to the wall sections (54).

The patent to De Block discloses all of the above recited subject matter with the exception of there only being a stand alone wall section from which the pin projects.

The patent to Whitted discloses all of the above recited subject matter, including that the pin of the arm only extends from a stand alone wall section that projects from one side wall beyond another side wall and the back.

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It would have been obvious to one of skill in the art modify the arm of De Block such that the pin only extends from a stand alone wall section extending from one side wall that protrudes beyond the other side wall and back, as clearly suggested by Whitted, to reduce the materials needed to make the arm. Whitted clearly suggests that pins can extend from a single stand alone wall section.

With respect to claims 2-4, setting forth that the back is "designed to be wider in the transverse direction than the length of the hinge pin" does not act to distinguish from the modified De Block. Use of the term "designed" does not appear to positively set forth that the back is wider.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant's attention is directed to figure 6 of the patent to Laar et al. Therein it can be seen that the pin (18) has a shorter length than the back of the arm.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary K. Graham whose telephone number is 571-272-1274. The examiner can normally be reached on Tuesday to Friday (7:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Monica S. Carter can be reached on 571-272-4475. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gary K Graham/
Primary Examiner, Art Unit 3727

GKG
25 April 2009